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**OFFICE OF PETITIONS**

In re Application of :  
Charbel Khawand :  
Application No. 10/743,663 : DECISION ON PETITION  
Filed: December 22, 2003 :  
Attorney Docket No. CE11141J1210 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 31, 2008. Accordingly, the date of abandonment of this application is February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(II)(A)(1). Therefore, the filing of a RCE is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to change any additional fees due, the \$ 1,510 issue fee and \$300 publication fee will be charged to petitioner's deposit account. The issue fee is not refundable and may not be applied towards payment of the issue fee in the continuing application (in the event it is allowed).

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Technology Center AU 2194 for appropriate action in the normal course of business for processing of the RCE received March 11, 2009.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long, sweeping horizontal stroke extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions